

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

ORDER  
06-CR-47A

JOHN R. ELSBERRY, JR.,

Defendant.

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Currently before the Court is a motion filed by defendant John R. Elsberry for an enlargement of time to July 19, 2007 to file objections to the Report and Recommendation and to appeal the Decision and Order of Magistrate Judge H. Kenneth Schroeder, Jr. filed May 29, 2007.

The Court hereby grants defendant's motion for an extension until July 19, 2007 to file objections to the Report and Recommendation and an appeal of the Magistrate Judge's Decision and Order.

The delay until July 19, 2007 is excluded from the Speedy Trial Act computations pursuant to 18 U.S.C. § 3161(h)(1)(F). Further, the Court finds that the delay should be excluded pursuant to 18 U.S.C. § 3161(h)(1)(8)(A), because the ends of justice served by such a continuance outweigh the best interest of the public and the defendant in a speedy trial. Such an adjournment will provide the defendant with an adequate opportunity to prepare objections to the Report and Recommendation, an appeal of the Decision and Order, and at the same time, is not so long as to unduly delay the public's interest in a speedy trial.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA  
CHIEF JUDGE  
UNITED STATES DISTRICT COURT

DATED: July 18, 2007